## MARRIAGE AND DIVORCE IN STATE AND CHURCH

WHEN, in 1831, the French philosopher De Tocqueville visited America, he was impressed with the stability of the marriage relation. In his great work, "Democracy in America,"[1] he thus sums up the results of his observations: "There is certainly no country in the world where the tie of marriage is so much respected as in America, or where conjugal happiness is more highly or worthily appreciated." And this acute and discerning reasoner makes a further reflection, from his stand-point as one interested in the maintenance of order and stability in the state: "Agitated by the tumultuous passions which frequently disturb his dwelling, the European is galled by the obedience which the legislative powers of the state exact. But when the American retires from the turmoil of public life to the bosom of his family, he finds in it the image of order and peace. * * * Whilst the European endeavors to forget his domestic troubles by agitating society, the American derives from his own home that love of order which he afterwards carries with him into public affairs."

So it was in 1831. How is it with the stability of home ties in our generation in this country?

The situation is exhibited, in part, by statistics. The following table is taken from "Statistics and Sociology,"[2] by Professor Mayo-Smith of Columbia University, and shows the absolute number of divorces in various countries in the year 1885, and the number per 100,000 of the population for the year 1886:

| | Total No. 1885. | No. per 100,000 of Pop. 1886. |
|---|---|---|
| France | 6,245 | 32.51 |
| Germany | 6,161 | 25.97 |
| Austria | 1,718 | .... |
| Russia | 1,789 | .... |
| Switzerland | 920 | 64.49 |
| Italy | 556 | 3.75 |
| Great Britain | 508 | 3.79 |
| and Ireland | .... | .28 |
| Australia | 100 | 11.14 |
| Canada | 12 | 4.81 |
| United States | 23,472 | 88.71 |

[1] Part I, Chap. xvii.

[2] p. 118.

It will be seen: (1) that the proportionate number of divorces, in relation to the population, was in 1886, nearly three times as great, in this country as in Roman Catholic and free-thinking France, and more than three times as great as in free-thinking Germany. (2) That it was between twenty-three and twenty-four times as great, in this country, as in either Roman Catholic Italy or Protestant Great Britain; (3) that in comparison with our neighboring country of Canada the proportion of divorces to the population was, in 1886, over 18 times as large here. (4) It may be noted further that the only country which approached anywhere near our ratio was Switzerland, the ratio being about three-quarters of ours.

It is probable that, in the nineteen years since the date of these statistics the ratio has increased in the United States in comparison with these countries.

At any rate, the following figures (from the same authority), relating to the United States alone, are significant, as showing a steady increase:

In 1870, in the United States, there were 155 divorces to every 100,000 married couples; in 1880, 203 divorces to every 100,000 married couples. Again, in relation to the number of marriages solemnized in a given period: in 1870 (in the United States) 3.5 per cent of marriages were terminated by divorce; in 1880, 4.8 per cent; in 1890, 6.2 per cent.

These facts are significant, showing plainly: (1) the enormous number of divorces granted in the United States by comparison with other countries and (2), the tendency, which we may assume to be still in force, to an increase in the number, relative to our own population.

Without much hesitation, we may explain these facts superficially, by our state laws, varying in minor details as they do, but nearly all displaying remarkable laxity (although there is to be noted a marked tendency to check this laxity on the part of many states, in the last twenty years.)

In other words, in so far as civil legislation makes divorce comparatively easy, we see a correspondingly great number of married people availing themselves of this facility to free themselves from the marriage bond. This obvious inference is more significant than at first might appear. For, who can tell how often it might be the case, that irksome conditions in the marriage relation would be put up with, character disciplined, and finally the irksome conditions (at least in great measure), lived down, if more restrictions were placed by law against the severance of the marriage tie? Mar-

riages would not, we may be sure, be entered upon so "lightly and unadvisedly" if young couples were firmly persuaded that the state of matrimony into which they are entering would be a life-long state, as far as the law is concerned, except in the extremest cases; and particularly if they were convinced that the law would not readily allow a new alliance when they should become weary of the first one.

It may, indeed, be argued that great strictness in regard to divorce leads many people to sin against the bonds of matrimony while formally remaining in that estate; and that, accordingly, it is better, having regard to the infirmities of human nature, to allow considerable facility in the severance of the matrimonial tie,—or, to use the words of Professor Peabody, it is suggested "that the way to sanctify marriage is to make it less binding." One hears pleas to this effect based upon alleged observations of marital infelicity in Italy and other Roman Catholic countries, where the ecclesiastical law makes the tie indissoluble, while custom (so it is charged) winks at sins against it. But these so-called observations of society in Italy are generally made by American people visiting or sojourning among the more luxurious classes, and they simply do not know the degree of fidelity existing in the homes of peasants. The same modern luxurious materialism affects our own wealthier classes, and no legal barriers can stop the excesses springing from this cause; to check these is the problem and the prayer of the church. The just comparison, to determine how far sinful tendencies may be checked by law in this matter of the relation of the sexes, would lie between the native-born working-classes of our own country, familiar as they are with the lax divorce laws, and the working-classes of Italy, brought up to regard marriage as indissoluble. I am not aware whether such a comparison has been made, in any scientific way. But it is evident that the practice of divorce, and of marriage after divorce, is on the increase in this country, among the farmers, the artisans, and the small tradesmen, who form the bulk of our population, and have given the distinctive character to our national progress. And this is indeed an ominous tendency.

Moreover, when comparison is made with countries where strict divorce laws prevail, it is not enough to compare our country with such countries as Italy, without taking account of the differences in racial characteristics. If it were proven that marital infidelity is a much more frequent sin in Italy or South American countries than it is here, it would not do to set this down to the account of rigidity in the divorce law there; but rather must we take account

of the impulsive, emotional temperament of the people as compared with our Teutonic temperament, and the temptations arising from tropical or semi-tropical climate. Far more just, if you are going to judge the effect which rigidity or laxity of divorce laws may have upon sexual morality, would be a comparison between this country and Ireland, or between this country and Canada, for in both these countries strict laws prevail as to divorce and remarriage, and the elements of race and climate resemble ours more closely. Remember, then, that nineteen years ago the ratio of divorces per 100,000 of the population was, in Ireland .28, and in Canada 4.81, while in the United States it was 88.71. Will any one charge that domestic unhappiness and marital infidelity are more frequent in Canada than in this country?

It is not necessary, however, to go to Great Britain or Canada, to judge of the effects upon morality of a strict marriage-law. Amid the prevailing laxity of legislation on this subject in the United States, South Carolina alone has remained firm in her adherence to the doctrine of the indissolubility of the marriage tie.[3] And this is not merely a survival of old times, which has escaped the criticism of modern days because of the indifference of the people. Says ex-Judge W. C. Benet of South Carolina:[4] "Repeated efforts were made in the legislature to have a divorce-law enacted, and the whole matter was thoroughly discussed again and again, but every effort failed. * * * So strong and deep-rooted and widespread in this state is the sentiment against divorce, that in the constitutional convention of 1895 a stop was put to all further attempts to introduce divorce bills in the legislature by the adoption of the following, which is Sec. 3, Art. 17, of our Constitution:

" 'Divorces from the bonds of matrimony shall not be allowed in this State.' "

It will be seen that this provision, not even making an exception in the case of adultery, places South Carolina in a class by herself among all communities where Protestantism prevails, giving her a stricter law than Great Britain or Canada.

There is possibly a prevalent opinion that this rigidity in the South Carolina law has co-existed with the toleration of practices detrimental to social morality. Bishop, in his "New Commentaries

[3] In the reconstruction, or "Carpet-bagging" period, a divorce-law was passed in 1872. But this was not an expression of South Carolina opinion. The law was repealed in 1878.

[4] These quotations are from a letter dated April 8, 1904, to the Rev. Robert A. Holland, D. D., of St. Louis. The entire letter, which is very exhaustive as to the history of this question in the State, may be found in *The State*, a paper published at Columbia, S. C., issue of Oct. 13, 1904.

on Marriage, Divorce, and Separation," Vol. I, Sec. 38 and Sec. 59 (edition of 1891) is authority for statements to this effect. Reference to Judge Benet's letter, above quoted, seems to show that Bishop has misapprehended the bearing of the judicial statements and the legislative enactments to which he refers in support of these statements. And, at any rate, the following from Judge Benet ought to have weight, as illustrating the practical condition of affairs:

"Let me offer myself as a witness. By birth a Scotsman, I came, like Judge Nott, fresh from the university to South Carolina. I know something of other states and of other countries, which I have visited. During fully thirty years of life as lawyer and circuit judge in this state, my observation and experience have made me familiarly acquainted with all sorts and conditions of the people throughout the entire state. And I am able to testify in all sincerity and truth that in no country nor commonwealth with which I am acquainted is the atmosphere of family life purer or cleaner than that which is breathed in the homes of South Carolinians. * * * And it has always seemed to me that the moral atmosphere of South Carolina has preserved its remarkable cleanness and purity, not in spite of, but because of her no-divorce law."

Such testimony as this should give us pause before we assent to the proposition that a certain degree of facility in obtaining divorces is practically desirable, in the interests of morality.

Before turning to what may be called the ecclesiastical aspect of this question, it is well to have before us a notion of the working of the laws, allowing various grounds for divorce, in our country at large. The causes alleged, according to Professor Mayo-Smith (year not given) were as follows:

40.15 per cent were for desertion.
21.45 per cent were for adultery.
16.35 per cent were for cruelty.
4.40 per cent were for drunkenness.
2.52 per cent were for neglect to provide.
11.23 per cent were for combination of general causes.
3.03 per cent were for local and minor causes.

From the view of the state of things tolerated today by our civil laws, and to a considerable extent by the practices of our churches, let us turn to Holy Scripture, and particularly to the declarations of Jesus Christ. The first text is in the Sermon on the Mount, where, in the course of his comparison of the righteousness of His Kingdom with the righteousness of the old law, He says: (Revised Version St. Matt. v. 32): "I say unto you, that every

one that putteth away his wife, saving for the cause of fornication, maketh her an adulteress, and whosoever shall marry her when she is put away, committeth adultery." This seems straightforward enough, (1st) condemning indiscriminate divorce, and (2nd), forbidding any marriage with a divorced woman. But does Jesus allow a second marriage on the part of the man who has divorced his first wife on account of fornication? Observe that, if He should do this, He would seem to be sanctioning an inequality between the sexes, permitting to a wronged man that liberty which He disallows in the case of a woman. But, dismissing inferences, let us see what He says, in the 19th chapter of St. Matthew. I will give the passage in full, in all its majestic idealism, with which He scrupled not to meet the insincere question of the Pharisees: (Revised Version): "There came unto him Pharisees, trying him, and saying: 'Is it lawful for a man to put away his wife for every cause?' And He answered and said, 'Have ye not read, that he who made them from the beginning made them male and female, and said, "For this cause shall a man leave his father and mother, and shall cleave to his wife: and the two shall become one flesh?" 'So that' (these are the Master's own words, not the words from Genesis) 'So that they are no more two, but one flesh. What therefore God hath joined together, let no man put asunder.' They say unto Him, 'Why then did Moses command to give her a bill of divorcement, and to put her away?' He saith unto them, 'Moses for your hardness of heart suffered you to put away your wives: but from the beginning it hath not been so. And I say unto you, whosoever shall put away his wife, except for fornication, and shall marry another, committeth adultery: and he that marrieth her when she is put away committeth adultery.' " As is well known, several important variations of text occur in this last statement, (verse 9). The last clause ("He that marrieth") is entirely omitted by Tischendorff, following the Sinaitic and other less important uncial manuscripts. Westcott and Hart omit it in the text, inserting it in the margin. The Authorized Version has it; Revised Version (both English and American) has it in text, noting the omission in the margin. Note, however, in spite of all this variation, that the same declaration is made in St. Matt. v: 32, as already quoted. But the most noteworthy variation is in the preceding clause, where, as noted in the margin of the Revised Version "Some ancient authorities read 'saving for the cause of fornication, maketh her an adulteress'; as in chapter v: 32." Thus, then, if we follow good "ancient authorities," and use the marginal readings of Revised Version in both these cases, this verse says nothing what-

ever about remarriage after divorce, but reads as follows: "And I say unto you, whosoever shall put away his wife, saving for the cause of fornication, maketh her an adulteress."

Another variation, however, appears in St. Mark x: 11, 12, where that evangelist is recording the same episode: "Whosoever shall put away his wife, and marry another, committeth adultery against her; and if she herself shall put away her husband, and marry another, she committeth adultery,"—where the saving clause ("except for fornication") does not appear at all, and where, in the second half of the statement the case of the woman is treated on the same principles as that of the man.

Once more, St. Luke (xvi., 18) giving an isolated utterance of Jesus on this subject, agrees with St. Mark in the first half, while in the second one sees a reminiscence of St. Matt. v: 32. Thus: "Every one that putteth away his wife, and marrieth another, committeth adultery; and he that marrieth one that is put away from a husband committeth adultery."

From these passages the following conclusions may be established: (1) That what Jesus said upon this subject certainly made a profound impression upon His hearers, and upon the primitive Christian community; (2) that the only cause He mentions for divorce is fornication; (3) that the prohibition is strict against a man marrying a divorced woman (on this all authorities agree); and (4) that there is strong doubt whether He ever permitted the second marriage of a man after divorcing an unfaithful wife. The passage upon which this permission is founded in St. Matthew is itself a disputed text; the unquestioned text of St. Mark and St. Luke throws the emphasis upon the side of absolute prohibition of such remarriage; and even the interpretation of this "saving clause," if it is allowed to stand, is not conclusive as to the right to remarry.

These things people need to bear in mind, whenever reference is made to the "Scriptural cause" for divorce, as if this at least were settled, upon the authority of Christ, that divorce for the cause of infidelity or adultery carries with it the right to remarry for the innocent party.

To these gospel passages let us add the testimony of St. Paul: (chapter vii: 10 Revised Version): "Unto the married I give charge, yea not I, but the Lord, that the wife depart not from her husband (but should she depart, let her remain unmarried, or else be reconciled to her husband); and that the husband leave not his wife." One more, Rom. vii: 2-3, (where the fact that the apostle is using the instance as an analogy does not militate against it as witness of his unquestioned belief in the indissolubility of mar-

riage): "The woman that hath a husband is bound by law to the husband while he liveth; but if the husband die, she is discharged from the law of the husband. So then if, while the husband liveth, she be joined to another man, she shall be called an adulteress."

The interpretation of these Scriptures, particularly the words of Christ Himself, has been the subject of much dispute in the history of the Christian church. We are concerned chiefly to inquire what light they throw upon the remarriage of either party in a divorce, while the other party is living. In the early church, when the Roman empire had become more than half Christian, we find the civil power granting divorce for several causes, including cruelty; while the ecclesiastical laws "admitted of divorces only in case of adultery and malicious desertion." I quote from Bingham[5] the following as to the opinion of St. Augustine: "He thought the Scripture forbade both man and woman to marry again, even after a lawful divorce, till one of the parties was dead. But he does not so dogmatically assert this, as to make marrying after such a divorce to be a crime worthy of excommunication. * * * For the question is so obscurely resolved in Scripture, Whether he, who putting away his wife for adultery marries again, be upon that score an adulterer? that a man may be supposed to err venially in the matter. * * * By this it appears, that tho' St. Augustine in his own opinion was persuaded that marrying after a lawful divorce was forbidden in Scripture; yet it was not so clearly forbidden as to make a man incapable of baptism; nor consequently of the communion."

This was a representative though not an universal opinion in the early church, some fathers (such as Epiphanius) giving their approval to such a second marriage, others condemning it more absolutely and demanding public penance. "But," (says Bingham) "though they differed upon this point, there was no disagreement upon the other, that to marry a second wife after an unlawful divorce" (and I presume this means a divorce granted on any other than the Scriptural cause), "whilst the former was living, was professed adultery, and as such to be punished by the sharpest censures of the church."

Passing down to reformation times, we observe a marked divergence upon this question. On the one hand, the Roman Catholic doctrine, formulated at the Council of Trent, forbade "second marriages after divorce for cause of adultery; and divorce became simply separation *a mensa et thoro,* in every case where the parties were both Christians; * * * and remarriage while a husband or

[5] "Antiquities of the Christian Church." Book XVI, Chap. xi (Vol. II, p. 999).

wife is living, places a person outside of the pale of the church."[6]

While the rigid Roman Catholic law went farther than the doctrine of the primitive church in general; the tendency of Protestant theologians and churches has been to relax the primitive church teaching, with various degrees of freedom in the interpretation of the words of Scripture. Thus Martensen:[7] "The important question now arises, whether there may not be also other cases, (i. e. making divorce and remarrying allowable) beside those expressly named in Scripture; in other words, whether these sayings of our Lord and His Apostle are to be regarded as literally laws, as ecclesiastical appointments delivered as such to the church, or whether, on the contrary, we are to find in them a principle to be applied by the church in such cases as shall occur. The latter is our view of the passage quoted, and according to our conviction the only evangelical one." * * * Again: "We cannot but acknowledge that Lutheran divines are fully justified in including among valid reasons for divorce, continued cruelty, personal ill-usage, and the plotting against one another's lives. * * * And to pass from these gross violations of matrimonial fidelity, there is also a mutual soul-poisoning, through which a complete inward breach at last takes place." Finally Martensen suggests: "For those cases in which the church is obliged to perform the transaction—sad in itself, and manifesting the imperfect condition of the church—of marrying the divorced, it would be well that a special formulary, differing from that in ordinary use, should be employed."

There we note the voice of the ecclesiastic whose church has the handicap of alliance with the state.

Let us, however, turn to a very modern Protestant ethical writer who, being an American, is in no danger of having his conscience hampered by such church and state connection.

Dr. Newman Smyth in his "Christian Ethics," (1892) after a discussion of the Scripture texts, says: "There is no other legitimate principle for divorce than that presented by the nature of the sin of adultery. If, however, we can say with a good conscience that some other sin (some sin which possibly in Christ's day had not reached its full measure of iniquity,—a sin, for instance, like drunkenness, which may utterly destroy the spiritual unity of a home and threaten even the physical security of one of the persons bound by the vows of marriage) is the moral equivalent of the cause which our Lord had immediately before him for pronouncing divorce, shall

[6] Theodore D. Woolsey, in Schaff-Herzog Encyclopaedia of Religious Knowledge; article, "Divorce."

[7] "Christian Ethics" (Social). § 21.

we be justified in admitting it to be likewise a proper Christian ground for divorce? * * * Our answer to (this question) will depend very much on two considerations. The first will be our general habit of reading the New Testament as another law, or of interpreting its precepts to the best of our understanding in what we may judge to have been the spirit in which they were spoken, remembering the Master's own saying that his words are spirit and they are life. The other consideration will be our confidence in the correctness of the premise that the special sin alleged, by which the marriage union has been violated is the full moral equivalent of adultery. In proportion as we are satisfied that it is in its consequence as destructive of the possibility of moral continuance in the marriage relation, we shall be inclined to think that it is included under the supreme principle which controlled the judgment of Jesus concerning certain habits, at which Moses winked, of the easy putting away of a wife. In other words, we shall argue that divorce for such other cause justifies itself to the Christian conscience, because we are satisfied that Jesus himself, if he were present, would pronounce this cause to be as heinous as adultery in its destruction of the sacredness of the marriage bond."

This is a sufficiently explicit statement of the modern theory which has controlled the legislation of most Protestant communions in this matter, and has influenced Protestant ministers generally when they are confronted with the request to solemnize the marriages of divorced persons.

I will venture to ask whether the method of interpretation, here illustrated, of words which the average man would regard as explicit, definite and authoritative, does not partake of that spirit of casuistry with which Protestants have been wont to charge Roman Catholic theologians.

As a significant contrast to this method of interpretation, Professor Peabody of Harvard University writes as follows:[8]

"It must be admitted that the first gospel gives its support to those who would permit remarriage for the innocent party in a divorce for adultery, though not even here is there any substantial support for those who would extend the definition of adultery to undefined causes like desertion or alienation, or still more trivial offenses now often held to be sufficient. On the other hand, it may be reasonably argued that in a matter so closely concerning practical life it is more probable that Matthew should have been led to an exceptive clause than that the two other evangelists should have

[8] "Jesus Christ and the Social Question" (1901), p. 153.

omitted to mention so important a qualification. It may be still further urged that it is precisely the admission of this single cause which has brought with it, in all manner of disguises, that very laxity which Jesus was bent upon excluding, as though the one devil should return bringing seven other devils more wicked than himself. Important, however, as this question of interpretation is * * * the really significant element of the teaching is not that in which the various records differ, but that in which they agree. The main intention of the teaching has been greatly overshadowed by the discussion of a single detail. The emphasis of Jesus is, in reality, laid—not upon the terms of a possible separation—but upon the question of remarriage after such separation. 'Whosoever putteth away his wife and marrieth another,' say all the passages. It is against the provoking of alienation by this anticipation of remarriage that Jesus makes his special protest; and the modern world, with its voluntary desertions often suggested by antecedent and illegitimate affection, knows well how grave a social peril it is with which Jesus deals. He teaches no prohibition of voluntary separation in case of conjugal failure; he makes no cruel demand upon the innocent to sacrifice children or love or life for one terrible mistake; but, except at the utmost for one cause—and perhaps not even for that cause—the mistake is one which, in the judgment of Jesus, involves a permanent burden. Marriage when undertaken must be regarded, not as a temporary agreement, but as a practically indissoluble union."

It is certainly interesting to find, in the views of this progressive modern thinker, so clear a confirmation of the technique of the primitive church.

The consequence of this view is obvious, as far as Christian ministers are concerned, in their quasi-magisterial capacity as functionaries licensed to solemnize marriage.

I would not be indifferent to the harmony which ought to subsist between the church and the state, believing them both to be institutions ordained of God, and mindful of the truth in this sentence (which has so wide an application in other spheres) of the French jurist Montesquieu: ("Spirit of Laws," Book 24-14): "When religion condemns things which the civil laws ought to permit, there is danger lest the civil laws, on the other hand, should permit what religion ought to condemn."

But a minister who believes that he owes obedience first of all to the teachings of Christ may well hold, upon the principles above set forth, that he has no right to attempt to give a religious sanction to a marriage in which either of the contracting parties has been

divorced, unless, at the utmost, it is established unmistakably that such person is the innocent party in the divorce for adultery. And this would mean a good deal more than the mere declaration of the person coming to be married. A prominent lawyer,[9] in the debate at the recent Episcopal convention, said: "The trouble is that we are marrying 99 guilty persons under the guise of innocence to one innocent person." And this contention was supported by Judge Stiness, of the Supreme Court of Rhode Island, who "brought out the practical difficulty of securing assurance of innocence where there was no power to compel testimony."

If jurists, from their experience, can make such statements, is it wise for a clergyman, unused to sifting evidence, to assume innocence upon the mere declaration of a man or woman, frequently a stranger, who comes to be married?

But, it may be urged, such a prohibition would bear hardly upon many truly innocent persons, whose marriage has been wrecked by cruelty or drunkenness, or who have been basely deserted. Such things are hard. So it is hard, if one's father, one's brother, or one's son, makes a wreck of his life and comes to be a dead weight upon one. But such moral delinquency does not dissolve the relations of fatherhood, or brotherhood, or sonship. And when Jesus said of man and wife, "they are no more two, but one flesh," He proclaimed a relation as incapable, in His sight, of being broken by sin, as that between father and son, or between brother and brother. On this point I quote again from Professor Peabody: "The family is, to Jesus, not a temporary arrangement at the mercy of uncontrolled temper or shifting desire; it is ordained for that very discipline in forbearance and self-restraint which are precisely what many persons would avoid, and the easy rupture of its union blights these virtues in their bud." * * * "To many innocent persons this is a teaching which, no doubt, has brought grave suffering; to many persons who have 'lightly or unadvisedly' become married, the penalty for their mistake has often appeared intolerable. Jesus, however, views the problem of marriage, like other problems, from above,—in the large realm of the purposes of God. This teaching may, as he says, bring, not peace, but a sword. * * * None the less, in the teaching of Jesus, the stable monogamic family remains the type of the unity of the kingdom of God; and His hope for the world is to be fulfilled through the expansion of those affections which are naturally born in the uncorrupted and uninterrupted unity of the home. * * * Special cases of social disease must not, according to the teaching of Jesus, be permitted

[9] Mr. Francis E. Lewis, of Philadelphia.

to menace the general social health. Social wreckage must not obstruct social navigation."

Possibly it will be regarded as a quixotic undertaking to attempt to bring the civil legislation of our several states into accord with such ideal principles as these. But the example of South Carolina, even tho' its absolute prohibition of divorce may be too rigid to be made the standard, shows, nevertheless, that ideal principles can even in this age be made a basis for practical legislation.

And citizens who seek to realize that harmony between religion and the civil laws of which Montesquieu wrote, may well consider whether it is not within the scope of practical reform, that all the states should make a distinction (as some of them now do) between legal separation between man and wife and absolute divorce with permission to remarry; and that this latter privilege should be reserved for the one case of a clearly proven innocent party in a divorce for adultery.

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